

A009-0708

10 An Act Concerning

20 **Cell Phone Use While Driving-Creation of Penalties for Talking While Driving**

30 FOR the purpose of ensuring that people are not distracted by holding cell phones while
40 driving.

50 BY enacting
60 Article – Transportation
70 Title 10. Vehicle Laws – Rules of the Road
80 Subtitle 11. Miscellaneous Rules
90 Annotated Code of Maryland

100 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE.
110 That the Laws of Maryland read as follows:

120 Article – Transportation
130 **§ 21-1127. Use of a handheld cell phone while driving.**

140 (A) *DEFINITIONS.*-

150 (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

160 (2) "9-1-1 SYSTEM" HAS THE MEANING STATED IN § 1-301 OF THE PUBLIC SAFETY
170 ARTICLE.

180 (3) "WIRELESS COMMUNICATION DEVICE" MEANS:

190 (i) A HANDHELD DEVICE USED TO ACCESS A WIRELESS TELEPHONE SERVICE; OR

200 (ii) A TEXT MESSAGING DEVICE.

200 (B) *APPLICABILITY OF SECTION.*- THIS SECTION DOES NOT APPLY TO THE USE OF A WIRELESS
210 COMMUNICATION DEVICE TO CONTACT A 9-1-1 SYSTEM.

220 (C) *PROHIBITION.*- A HOLDER OF ANY CLASS OF DRIVERS LICENSE MAY NOT USE A WIRELESS
230 COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE.

240 (D) *ENFORCEMENT.*- A POLICE OFFICER MAY ENFORCE THIS SECTION AS A SECONDARY OFFENSE
250 OF THE MOTOR VEHICLE CODE.

260 (E) *PENALTY.*-

270 (1) THE FIRST OFFENSE IS PUNISHABLE BY A FINE NOT EXCEEDING \$100.

280 (2) THE SECOND OFFENSE IS PUNISHABLE BY A FINE NOT EXCEEDING \$400.

290 (3) A THIRD OR MORE OFFENSES ARE PUNISHABLE BY A FINE AND A COURT DATE TO
300 DETERMINE A POSSIBLE SUSPENSION OF THE LICENSE.

310 (F) *SUSPENSION.*-

320 (1) IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE THAT AN INDIVIDUAL
330 HAS VIOLATED THIS SECTION THREE OR MORE TIMES, THE ADMINISTRATION:

340 (i) MAY SUSPEND THE INDIVIDUAL'S DRIVER'S LICENSE FOR NOT MORE THAN 90
350 DAYS; AND

360 (ii) MAY ISSUE A RESTRICTED LICENSE FOR THE PERIOD OF SUSPENSION THAT IS
370 LIMITED TO DRIVING A MOTOR VEHICLE:

380 1. IN THE COURSE OF THE INDIVIDUAL'S EMPLOYMENT;

390 2. FOR THE PURPOSE OF DRIVING TO OR FROM A PLACE OF EMPLOYMENT;
400 OR

410 3. FOR THE PURPOSE OF DRIVING TO OR FROM SCHOOL.

420 (2) AN INDIVIDUAL MAY REQUEST A HEARING AS PROVIDED FOR A SUSPENSION OR
430 REVOCATION UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE.

440 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1,
450 2009.

460 **MANDATES:** Martin O'Malley, Governor
470 Michael Busch, Speaker of the House
480 Kumar Barve, Houes Majority Leader
490 Anthony O'Donnell, House Minority Leader
500 Thomas V. "Mike" Miller, President of the Senate
510 Edward Kasemeyer, Senate Majority Leader
520 David Brinkley, Senate Minority Leader

SPONSOR:

Paul R. Schuman, Co-DCP, UMBC
Scott T. Besore, Co-DCP, UMBC, Tory Caucus Leader